

TIPS AND TRAPS FOR PRACTICING BEFORE THE RI BANKRUPTCY COURT

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U.S. Bankruptcy Court, D.R.I.
April 30, 2009

Mandatory Electronic Filing

- [Local Bankruptcy Rule 5005-4 - all documents must be filed electronically, unless an exemption is granted
- [As of April 1, 2009 - all electronic filing training is being conducted on-line
- [As of May 1, 2009 - registration for CM/ECF will be fully automated



United States Bankruptcy Court for the District of Rhode Island

Judge Arthur N. Votolato
Clerk of Court Susan M. Thurston

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Attorneys	>
Bankruptcy Info	>
Calendars	>
Case Information	>
CM/ECF Info	>

CM/ECF Training Modules

Notice: These modules are available to all for instructional/refresher

Debtor Attorneys: Required Training Modules

- [Convert Documents to PDF](#)
- [Introduction to Local Bankruptcy Rules](#)
- [Local Support Plan](#)
- [Logging in to CM/ECF](#)
- [Maintain User Account](#)
- [Case Opening 7/13](#)
- [Upload Creditors](#)
- [Chapter 13 Plan](#)
- [Completed Schedules](#)
- [Amended Schedules](#)
- [Add Party](#)
- [Motion to Continue Hearing](#)
- [Response-Objection](#)
- [Reports - Claims Register](#)
- [Reports - Creditor Mailing Matrix & Mailing](#)

Creditor Attorneys: Required Training Modules

- [Convert Documents to PDF](#)
- [Introduction to Local Bankruptcy Rules](#)
- [Local Support Plan](#)
- [Logging in to CM/ECF](#)
- [Maintain User Account](#)
- [Proof of Claim](#)
- [Amended Proof of Claim](#)
- [Withdrawal of Claim](#)
- [Assignment of Claim](#)
- [Notice of Contract Change \(New\)](#)
- [Add Party](#)
- [Motion for Relief from Stay](#)
- [Motion to Continue Hearing](#)
- [Response-Objection](#)
- [Reaffirmation](#)

Tips for Using CM/ECF

- [For completing Certificates of Service - consult the on-line list of registered and exempt users available on website
 - Located under CM/ECF Info menu
 - For determining case participants, use Utilities/Mailing Info for a Case in CM/ECF [there is a training module on this]
- [Keep Email account up to date in CM/ECF
 - Located under Utilities/Maintain Your Account
 - Failure to update will cause undeliverable NEFs

As of December 1, 2008 - Court no longer requires original signatures (P.3/P.4); LBR 5005-4(i)

Electronic filer shall retain original documents with signatures for 2 years after case is closed

Sign up for Court Email Alerts about upcoming changes

Located on website - top right hand corner

Review new release changes - "What's New in CM/ECF 3.3"

Whats new in CM/ECF 3.3	
PDF	Modules
<ul style="list-style-type: none">What's New in 3.3 for AttorneysWhat's New in 3.3 for Pacer UsersFiling an Amended Claim – Attorney/CreditorUS Trustee Data Collection ELM	<ul style="list-style-type: none">New Attorney InterfaceFiling an Amended Claim - Attorney/CreditorUS Trustee Data Collection ELM

CM/ECF Common Filing Errors

- [Documents must contain the electronic signature of user logged into system
- [When filing joint documents – pick both parties as party filers
- [When filing first document for a party in a case - attorney must associate him/herself with the party
 - If fail to do so, attorney will not be listed in case and will not receive case electronic transmissions

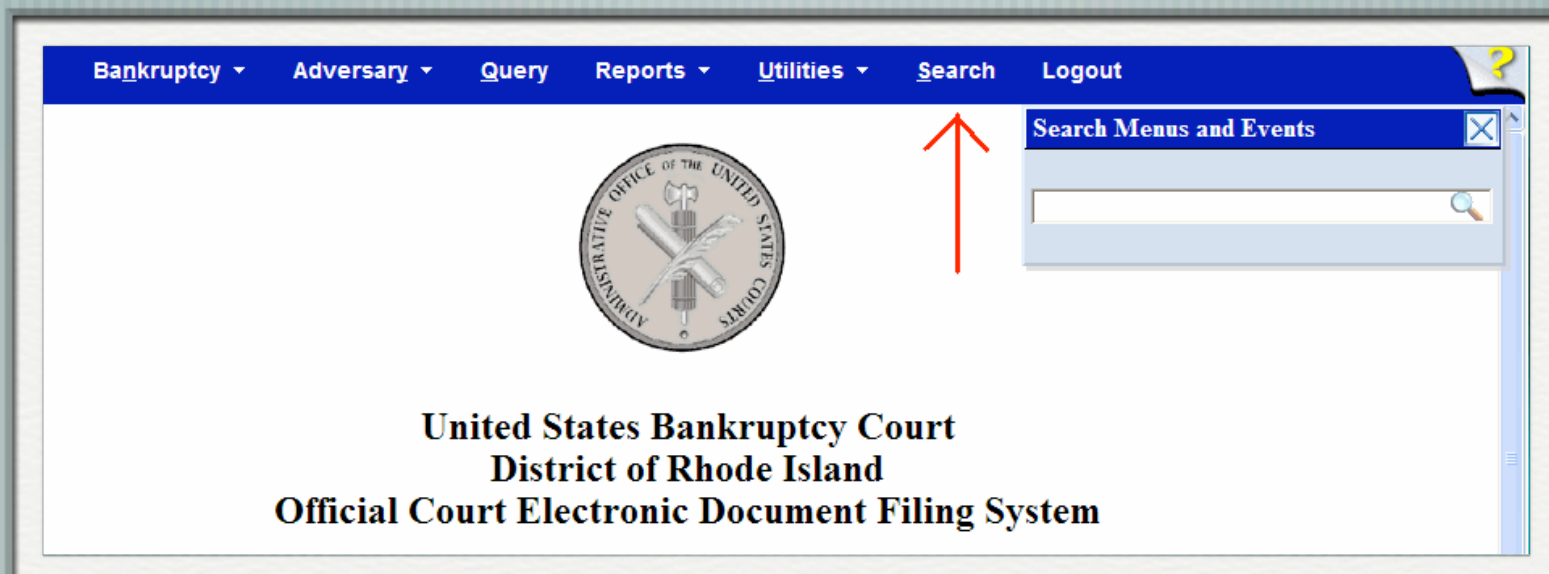
- [Motion to continue hearing – link underlying pleading (not hearing event) to the motion to continue
 - Training module available on ECF training page
- [Amended schedules require debtor's electronic signature
 - /s/ debtor's name
 - When amending Schedules D,E or F - a certificate of service to the added creditors must be included
 - Once case is closed, any later schedule amendment must be by motion and requires case reopening (fee involved)

— Frequent confusion between:

— Certificate of Credit Counseling (due at case filing) and

— Certificate of Financial Management (due within 45 days after 341 meeting)

— Use search feature in CM/ECF (on top blue bar) to locate correct menu and filing events



Common Case Opening Errors

- [Privacy Rules – failure to redact to last 4 digits SSN on payment advices & financial account numbers on Schedules D,E,F
- [All individual debtors must file Means Test, regardless of whether primarily consumer or business debts (business debts complete Part I only)
- [Do not file tax returns with initial filing
 - Provide to case/standing Trustee w/in 7 days before 341
- [Don't include Cert. Credit Counseling or Payment Advices in Petition PDF

Common Conversion Errors

- [If case has not previously converted - file Notice of Conversion
- [If case has previously converted - must file Motion to Convert
- [Frequent confusion regarding post conversion reporting requirements, FedR.Bankr.P. 1019(5):
 - List of Post Petition Creditors - due w/in 15 days. Filed by debtor in chapter 13 or DIP/Trustee in chapter 11/12
 - Postconversion report - due w/in 30 days. Filed with Court and UST by Trustee/DIP.

Common AP Errors

- [Commencing New AP – No parties yet in case therefore initial service on attorney for debtor and trustee must be done in paper and COS must indicate mail service

- [Second page of summons must be executed. Filing COS that summons was served is not acceptable

- [Filing AP answer in Bankruptcy case instead of AP case

- [Default procedures - 2 steps

- Motion for Entry of Clerk's Default (w/ affidavit)

- Motion for Default Judgment (include Default Judgment as attachment)

Certificate of Service Errors

- [Objection to Claim COS must include claimant
- [Motion to Void Lien COS must include lienholder
- [Amending Schedules D/E/F COS must include added creditors
- [Motion to Modify Claim (now in chapter 13 plan) must be served by regular and certified mail

To Withdraw as Attorney

- [Use Bankruptcy Event “Motion to Withdraw as Attorney”
- [Within event, provide party’s current address for future court noticing
- [If know that other counsel will be appearing – he/she can file a Notice of Substitute Counsel instead of motion to withdraw

Availability of Bankruptcy Information On-Line

- [Calendar Information
- [Case Information (CM/ECF or Pacer)
- [Judge's Opinions
- [News and Announcements
- [Audio of Courtroom Proceeding

Digital Audio Recording Pilot

— [Rhode Island is part of national pilot program to put digital audio of court proceedings on the docket

— [Look for speaker sign next to the docket entry

01/2009	 PDF with attached Audio File. Court Date & Time [4/1/2009 10:28:05 AM]. File Size [406 KB]. Run Time [00:03:23]. (admin). (Entered: 04/01/2009)
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Demo of Audio Recording

United States Bankruptcy Court

District of Rhode Island

Notice of Electronic Filing

The following transaction was received from admin entered on 04/01/2009 at 1:53 PM EDT and filed on 04/01/2009

Case Name: Richard J. Martino

Case Number: [1:07-bk-12696](#)

Document Number: [67](#)

Docket Text:

PDF with attached Audio File. Court Date & Time [4/1/2009 10:28:05 AM]. File Size [406 KB]. Run Time [00:03:23]. (admin).

The following document(s) are associated with this transaction:

Document description: Main Document

Original filename: /data/docs1/ECF/ADI/rib_live/batch/documents/107-bk-12696-Apr09day01090.40100110011-MP3.pdf

Electronic document Stamp:

ECFAD11-01-1010154405-ED-1-04/01/20090110011-1-2007225-01

Recent Local Rule & Form Changes

December 1, 2008 Highlights

- Chapter 7 attorney fee cap removed. Trustee will review
- New service and response requirements for motion to modify secured claim
 - Serve by first class and certified mail
 - 20 days to file opposition to motion
- Motion for Relief from Stay - new Form R
- New Transcript Policy

April 1, 2009 Highlights

- [Application for Compensation by Creditors - LBR 2016-1(d)

- [New Creditor duties in Chapter 13 cases

 - Notice of Contract Change

 - Notice of Outstanding Obligations

- [New Chapter 13 Plan (W.1) and Amended Plan (W.2) Forms

- [All Chapter 13 motions filed as part of plan

- [Record on Appeal - include document number of item designated - LBR 8006-1

Upcoming Federal Rule Changes

- [December 1, 2009 – New Time Period Computations
 - Increments of 7
 - Examples:
 - 5 days extended to 7
 - 10 days extended to 14
 - 15 days reduced to 14
 - 20 days extended to 21